IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3215 of 1997

Between:

1 D.Krishna Moorthy , S/o,. D.Yellappa, Volunteer/Attender of AEO (RI) T.T.D, Tirumala.
2 P.Chandra Sekar, S/o. P.Rajaiah, Volunteer/Attender of AEO (P) T.T.D., Tirumala.
3 K.Nageswara Rao, S/o. K.Munirathnam, Volunteer/Attender of AEO (RI) T.T.D, Tirumala.
4 S.Jamuna , W/o. G.Hari, Volunteer/Attender of AEO Sri T.T, Tirumala.
5 K.Muniswamy, S/o. K.Lakshmaiah, Volunteer/Attender of AEO (Potu) Tirumala.
6 M.Srinivasulu, S/o. N.Kuppaswamy, Volunteer/Attender of AEO (RI) T.T.D, Tirumala. 7 O.Lakshmi Devi, W/o. Ramaiah, Volunteer/Attender of AEO(P.A.T) T.T.D, Tirupati. 8 M.Vedavati, W/o. Reddappa Reddy, Volunteer/Attender of Sri.G.T. Temple, Tirupati. 9 Y.Govindamma, W/o. Y.Neelakantaiah, Volunteer /Attender of S.V. Guest House, Tirupati.
10 T.Elavarasi, W/o. T.Ganesh, Volunteer/Attender of AEO Sree T.T. Tirumala.
11 V.Savithramma, W/o. Satyamurthy, Volunteer/Attender of S.V. Canteen Complex, Tirumala.
12 R.Munimurthy, S/o. R.Narayana Raju, Assistant/Sharaf Office of the Welfare Office T.T.D., Tirupati.
13 N.Chanchu Krishnaiah, s/o. Chanchu Rathnam, Volunteer/Attender of K.K.C. Tirumala.
14 D.Padmanabam, S/o. D.Subramanyam, Volunteer / Attender of K.K.C. Tirumala.
15 M.Ganga Prasad, S/o.M.Subbaiah, Assistant /Sharaf Office of the D.A.Section, T.T.D.Tirupati.
16 V.Ravindra Rao, S/o. Balakrishnaiah, Volunteer/Attender of K.T. Temple, Tirupati.
17 S.Prabhakar, S/o. S.Siddaiah,

Volunteer/Attender of K.K.C. Tirumala.

18 C.Sundaramurthy, s/o. C.Singaram,
Volunteer/Attender of AEO Sri T.T. Tirumala.

19 K.Rajagopal , S/o. K.Govindaswamy,
Volunteer/Attender of P.A.T Temple, Tiruchanoor.

20 G.Rambabu Reddy,, S/o. G.Changa Reddy,
Volunteer/Attender of K.K.C. Tirumala.

..... PETITIONERS

AND

Tirumala Tirupati Devesthanams ,
rep.by it's Executive Officer, Tirupati , Chittoor Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or directions preferably in the nature of Writ of Mandamus declaring the action of the respondent in not granting arrears for the period from 1.1.1990 to August 1991 as bad in law, discriminatory ,illegal, violates equity clause and offends Art.14 and 16 of the Constitution of India and further order to grant all consequential benefits on par with 103 Volunteers/Attenders as ordered in proceedings in Roc.No.B7/2567/89 dt.16.4.1994 of the Executive Officer,Tirumala Tirupati Devasthanams

Counsel for the Petitioners: MR.K.JAYA KUMAR

Counsel for the Respondent: MR.G.VENUGOPAL RAO

SC FOR T.T.D

The Court made the following ORDER:

This writ petition is filed by the petitioners, who are twenty in number, seeking a writ

of *mandamus* declaring the action of the respondent-Devasthanams in not granting arrears for the period from 01.01.1990 to August 1991 as bad in law, discriminatory, illegal and violative of the Constitution of India.

2. According to the petitioners, they were appointed as paid Volunteers/Attenders prior to 1990, on a monthly remuneration of Rs.650/-. There were 163 such paid volunteers/attenders. On the representation of all the employees of various cadres, whose services were not regularised, the Government passed G.O.Ms.No.391 Revenue (Endts III) Department dated 06.05.1991 directing the respondent–TTD to regularize the services of 1235 employees, out of which 163 employees are paid volunteers/attenders. The petitioners are among the said 163 paid volunteers/attenders. It is also stated that the services of the petitioners along with others were regularised with effect from 01.08.1991. But, however, some of the paid volunteers have approached this Court in the year 1989-90 seeking minimum scale of pay, apart from seeking directions for regularization of their services. By way of interim directions this Court passed orders, directing the respondent-TTD to pay minimum scale of pay up to July 1991. Accordingly, those employees were paid the minimum scale of pay by way of arrears under the proceedings dated 16.04.1994 of the respondent. Thereafter, petitioners made a representation, as they were not parties to the earlier writ petitions for extending the similar relief of minimum scale of pay to them also from 01.01.1990 till 01.08.1991, the date on which the services of the petitioners were regularised. As no orders have been passed by the respondent, the petitioners have come up with the present writ petition.

3. Though the petitioners sought for implementation of the minimum scales of pay from 01.01.1990 to 01.08.1991, by way of an interim order, the petition was dismissed.

4. However, the contention of the petitioners is that with reference to some other similarly placed paid volunteers, who filed W.P.No.9373 of 1994, they also sought for similar relief before the respondent to pay the minimum scales of pay to them from 01.01.1990 to 01.08.1991 and pay the differential amount by way of arrears.

5. A counter-affidavit has been filed on behalf of the respondent admitting the fact that the petitioners were appointed as volunteers/attenders and also admitted that their services were regularised as per G.O.Ms.No.391 dated 06.05.1991 w.e.f 01.08.1991. With reference to the payment of minimum wages with reference to the

other employees, it is stated that the other employees were paid as per the directions of this Court, therefore, the petitioners are not entitled for similar relief as there are no orders in their favour. Therefore, he prayed to dismiss the writ petition.

6. Heard the learned counsel for both the parties and considered the material available on record.

7. Admittedly, the petitioners along with others were appointed as volunteers/attenders under the respondent-Devasthanams prior to 1990. It is also a fact that some of the similarly placed persons have approached this Court by filing writ petition No.9373 of 1994 and as per the interim directions of this Court, the respondent–Devasthanams paid minimum scales of pay from 01.01.1990 to 01.08.1991 by way of arrears. As all other persons, except the petitioners were paid minimum scales of pay attached to the post of attender w.e.f 01.01.1990, the petitioners cannot be discriminated by rejecting their claim. Therefore, the petitioners are also entitled to be treated on par with other similarly placed persons, whose services were also regularised under G.O.Ms.No.391 dated 06.05.1991 from 01.01.1990 to 01.08.1991.

8. Therefore, the writ petition is allowed directing the respondent –Devasthanams to pay the minimum scales of pay to the petitioners also on par with other similarly placed persons with effect from 01.01.1990 and pay arrears that are payable up to 01.08.1991, within a period of two months from the date of receipt of a copy of this order.

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S.Ananda Reddy, J

Date:15.09.2004

va

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, the fifteenth day of September, Two Thousand and Four.

To

1. The Executive Officer, Tirumala Tirupati Devesthanams ,
   Tirupati , Chittoor Dist.

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